

**MEDICAL EXAMINING BOARD
MEETING MINUTES
DECEMBER 12, 2012**

PRESENT: James Barr; Mary Jo Capodice, DO; Sridhar Vasudevan, MD; Kenneth Simons, MD; Gene Musser, MD (*left the meeting at 2:30 p.m.*); Jude Genereaux (*left the meeting at 2:00 p.m.*); Sandra Osborn, MD; Greg Collins; Sheldon Wasserman, MD; Timothy Westlake, MD; Rodney Erickson, MD; Suresh Misra, MD, Timothy Swan, MD

STAFF: Tom Ryan, Executive Director; Matthew Niehaus, Bureau Assistant; and other Department Staff

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:04 a.m. A quorum of thirteen (13) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item “H” (open session) **ADD** the agenda item titled “Review of the Revised FSMB Model Policy on the Appropriate Use of Opioid Analgesics in the Treatment of Pain and Model Policy on Opioid Addiction Treatment in the Medical Office Report by Sri Vasudevan”
- Item “N-13” (open session) **ADD** the agenda item titled “April FSMB Meeting in Dallas Fort Worth”
- Item “V-17” (closed session) **ADD** the agenda item titled “Warren E. Tripp, M.D. (12 MED 315)”
- Item “V-19” (closed session) **ADD** the agenda item titled “Peter S. Jerome (12 MED 341)”
- Item “V-28” (closed session) **ADD** the agenda item titled “Gloria Lopez, M.D. (12 MED 035)”
- Item “V-30” (closed session) **ADD** the agenda item titled “11 MED 217”
- Item “W-4” (closed session) **ADD** the agenda item titled “Daniel T. Cabot, D.O. (11 MED 147)”
- Item “W-5” (closed session) **ADD** the agenda item titled “Vikramjit Chhokar, M.D. (11 MED 400)”

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 14, 2012

MOTION: Suresh Misra moved, seconded by, Timothy Westlake to approve the minutes of November 14, 2012 as published. Motion carried.

Gene Musser abstained from voting.

DISCUSSION AND CONSIDERATION OF WIS. ADMIN. CODE RULE WRITING

Patient Abandonment

MOTION: Kenneth Simons moved, seconded by Tim Swan, to amend the language in Wis. Admin. Code MED 10 regarding patient abandonment to:

(O) Patient Abandonment.

Abandonment occurs when an active professional relationship between physician and patient is terminated by the physician and any of the following occur:

- a. The physician fails to give the patient notice at least 30 days in advance of the date on which the physician's withdrawal becomes effective.
- b. The physician fails to allow for patient access or transfer of the patient's health care records as required by law.
- c. If necessary to avoid unacceptable risk of harm, the physician fails to provide for continuity of prescription medications.
- d. The physician fails to provide for emergency care during the period between the notice of intent to withdraw from the physician-patient relationship and the date on which the physician-patient relationship ends.

Motion carried.

Three nay votes were made.

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to approve Chapter 10 as amended. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF JANUARY 16-17, 2013 ONE DAY CONFERENCE IN FORT WORTH

MOTION: Gene Musser moved, seconded by Suresh Misra, to send Tom Ryan to the January 16-17, 2013 FSMB conference in Fort Worth and to designate Timothy Swan, or designees determined by the chair, as the Board's representative to attend this meeting. Motion carried.

DISCUSSION AND CONSIDERATION OF STATE BOARD SPONSORSHIP ROLE IN STEP 3 REGARDING POSSIBLE INPUT BACK TO THE FEDERATION OF STATE MEDICAL BOARDS

MOTION: Kenneth Simons moved, seconded by Sridhar Vasudevan, that the Board recommends that USMLE Step 3 no longer be state sponsored and that the FSMB and NBME create a policy regarding eligibility requirements relating to the number of months of post-graduate training required before one can sit for the USMLE Step 3. Motion carried.

SCREENING PANEL REPORT

Jude Genereaux reported thirty-four (34) cases were screened. Eight (8) cases were opened.

CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: James Barr-yes; Mary Jo Capodice, DO-yes; Jade Genereaux-yes; Sandra Osborn, MD-yes; Greg Collins-yes; Timothy Westlake, MD-yes; Rodney Erickson, MD-yes; Suresh Misra, MD-yes; Timothy Swan, MD-yes; Sridhar Vasudevan, MD-yes; Kenneth Simons, MD-yes; Gene Musser, MD-yes; and Sheldon Wasserman, MD-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:25 a.m.

FULL BOARD ORAL EXAMINATION

Robert S. Shulman, M.D. appeared before the Board at 11:24 a.m.

Timothy Swan left the room at 11:24 a.m.

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to pass Robert S. Shulman, M.D.'s full board oral examination. Motion carried.

4 nay votes were made.

MOTION: Sandra Osborn moved, seconded by Gene Musser, to deny Robert S. Shulman, M.D.'s request for full licensure. The Board grants Applicant a limited license requiring Applicant to complete a Board-approved psychiatric review course, including any testing components, prior to resuming practice. After completion of the psychiatric review course and presentation to the Chair of successful completion, pending the Chair's approval, Applicant will be granted full licensure. Motion carried.

Sridhar Vasudevan voted nay.

APPLICATION MATTERS

MOTION: Suresh Misra moved, seconded by Jude Genereaux, to find that Shadi A Al Ekish, M.D.'s post-graduate training is not equivalent to a year of ACGME accredited training, and denies Applicant's request. **Reason for Denial:** The Board does not find Applicant's training to be equivalent to ACGME accredited training. Motion carried.

Two nay votes and one abstention were made.

DELIBERATION ON MONITORING MATTERS

Timothy Swan returned to the room at 12:09 p.m.

Suresh Misra left the room at 12:10 p.m.

David “Corey” Hanes, D.O. appeared before the Board at 12:11 p.m.

Sridhar Vasudevan noted the time and date at 12:12:12 P.M. on 12/12/12.

Suresh Misra returned to the room at 12:15 p.m.

David “Corey” Hanes, D.O. – Removal of Limitation/Grant Full Licensure

MOTION: Kenneth Simons moved, seconded by Timothy Swan, to grant the request of David “Corey” Hanes, D.O. for removal of limitation and grant full licensure. Motion carried unanimously.

Anatol J. Stankevych, M.D. appeared before the Board at 12:20 p.m.

Anatol J. Stankevych, M.D. – Removal of Limitation

MOTION: Sandra Osborn moved, seconded by Suresh Misra, to deny the request of Anatol J. Stankevych, M.D., for removal of limitations. **Reason for Denial:** The Board does not believe that he is capable of minimally competent practice based on his hand injury. Motion carried unanimously.

Giuditta Angelini, M.D. – Consideration of Noncompliance with Board Order

MOTION: Sandra Osborn moved, seconded by Suresh Misra, to refer Giuditta Angelini, M.D. to DLSC for violation of Board Order and, if appropriate, a summary suspension proceeding. Motion carried unanimously.

Roman Berezovski, M.D. – Requesting Reduction in Drug Screens and Removal of Limitation

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to grant the request of Roman Berezovski, M.D., for reduction in the frequency of drug screens to no less than thirty-six (36) per year with one (1) annual hair test. Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Kenneth Simons, to deny the request of Roman Berezovski, M.D., for removal of limitations. Motion carried unanimously.

Shirley Y. Godiwalla, M.D. – Requesting Approval for Training Program

MOTION: Sandra Osborn moved, seconded by Suresh Misra, to grant the request of Shirley Y. Godiwalla, M.D., for approval for her two-year training program in Pediatric Urology at the University of Oklahoma. Motion carried unanimously.

Sridhar Vasudevan was absent from voting in the matter of Shirley Y. Godiwalla, M.D.

Stefan J. Konasiewicz, M.D. – Requesting Termination of Encumbrances and Conditions

MOTION: Tim Swan moved, seconded by Gene Musser, to acknowledge that they have received sufficient proof that all limitations have been removed from Stefan J. Konasiewicz, M.D.'s Minnesota license. The Board removes the limitations and conditions from his Wisconsin license. Motion carried unanimously.

**DELIBERATION OF ADMINISTRATIVE WARNINGS, PROPOSED STIPULATIONS
AND FINAL DECISIONS AND ORDERS**

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Tilok Ghose, M.D. (12 MED 273.) Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to issue an administrative warning in the matter of 12 MED 074. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Tim Westlake, to issue an administrative warning in the matter of 12 MED 252. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Susan J Carson, M.D. (12 MED 008.) Motion carried unanimously.

Gene Musser abstained from voting on the matter of Susan J. Carson, M.D. (12 MED 008)

MOTION: Jude Genereaux moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Jennifer Y. Edgoose, M.D. (12 MED 011.) Motion carried unanimously.

Gene Musser abstained from voting on the matter of Jennifer Y. Edgoose, M.D. (12 MED 011)

MOTION: Jude Genereaux moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Laurel B. Mark, M.D. (12 MED 012.) Motion carried unanimously.

Gene Musser abstained from voting on the matter of Laurel B. Mark, M.D. (12 MED 012)

MOTION: Jude Genereaux moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Dipesh Navsaria, M.D. (12 MED 013.) Motion carried unanimously.

Gene Musser abstained from voting on the matter of Dipseh Navsaria, M.D. (12 MED 013)

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Richard G. Schmelzer, M.D. (12 MED 015.) Motion carried unanimously.

Gene Musser abstained from voting on the matter of Richard G. Schmelzer, M.D. (12 MED 015)

MOTION: Jude Genereaux moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Melissa M. Stiles, M.D. (12 MED 017.) Motion carried unanimously.

Gene Musser abstained from voting on the matter of Melissa M. Stiles, M.D. (12 MED 017)

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 12 MED 007. Motion carried unanimously.

Gene Musser abstained from voting on the matter of (12 MED 007)

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 12 MED 009. Motion carried unanimously.

Gene Musser abstained from voting on the matter of (12 MED 009)

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 12 MED 010. Motion carried unanimously.

Gene Musser abstained from voting on the matter of (12 MED 010)

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 12 MED 014. Motion carried unanimously.

Gene Musser abstained from voting on the matter of (12 MED 014)

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 12 MED 016. Motion carried unanimously.

Gene Musser abstained from voting on the matter of (12 MED 016)

Jude Genereaux left the meeting at 2:00 p.m.

MOTION: Kenneth Simons moved, seconded by Tim Westlake, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary

proceedings against Sean M. Cashin, M.D. (11 MED 301.) Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Heath J. Meyer, M.D. (12 MED 281.) Motion carried unanimously.

Sridhar Vasudevan left the room at 2:09 p.m.

MOTION: Kenneth Simons moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Floyd O. Anderson, M.D. (12 MED 359.) Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Suresh Misra, to issue an administrative warning in the matter of 12 MED 121. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Kenneth Simons, to issue an administrative warning in the matter of 12 MED 286. Motion carried unanimously.

Sridhar Vasudevan entered the meeting at 2:10 p.m.

MOTION: Kenneth Simons moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders for remedial education against Warren E. Tripp, M.D. (12 MED 315.) Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Peter S. Jerome, (12 MED 341.) Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Gene Musser, to issue an administrative warning in the matter of 12 MED 326. Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 12 MED 358. Motion carried unanimously.

Sheldon Wasserman left the meeting at 2:24 p.m.

Sheldon Wasserman returned to the meeting at 2:29 p.m.

Gene Musser left the meeting at 2:30 p.m.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Hans P. Schlecht, D.O. (11 MED 247.) Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Michael C. Macatol, M.D. (11 MED 277.) Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Peter Barbian, M.D. (11 MED 371.) Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Sami A. Roumani, M.D. (12 MED 035.) Motion carried unanimously.

MOTION: James Barr moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Gloria Lopez, M.D. (12 MED 067.) Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to issue an administrative warning in the matter of 11 MED 333. Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by Sandra Osborn, to issue an administrative warning in the matter of 11 MED 217. Motion carried unanimously.

COMPLAINT FOR DETERMINATION OF PROBABLE CAUSE

Greg Collins left the room at 2:35 p.m.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to find probable cause to issue a complaint in the matter of Peri Aldrich, M.D. (12 MED 140.) Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Suresh Misra, to find probable cause to issue a complaint in the matter of John W. Zwiacher, M.D. (12 MED 187.) Motion carried unanimously.

Greg Collins returned to the room at 2:37 p.m.

MOTION: Sridhar Vasudevan moved, seconded by Tim Swan, to find probable cause to issue a complaint in the matter of Daniel T. Cabot, D.O. (11 MED 147.) Motion carried unanimously.

Rodney Erickson was not in the room for deliberation or voting in the matter of Daniel T. Cabot, D.O. (11 MED 147.)

MOTION: Kenneth Simons moved, seconded by Greg Collins, to find probable cause to issue a complaint in the matter of Vikramjit Chhokar, M.D. (11 MED 400.) Motion carried unanimously.

Gene Musser was not in the room for deliberation or voting in the matter of Vikramjit Chhokar, M.D. (11 MED 400.)

CASE CLOSINGS

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to close the case #12 MED 117 for No Violation (NV). Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Suresh Misra, to close the case #12 MED 230 for Prosecutorial Discretion (P3). Motion carried.

Two nay votes were made.

MOTION: Tim Swan moved, seconded by Sandra Osborn, to close the case #12 MED 320 for No Violation (NV). Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to close the case #12 MED 255 for No Violation (NV). Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Kenneth Simons moved, seconded by Suresh Misra, to ratify all licenses and certificates as issued. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Kenneth Simons moved, seconded by Tim Westlake, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:48 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kenneth Simons moved, seconded by Tim Swan, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Sridhar Vasudevan moved, seconded by Kenneth Simons, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:50 p.m.